

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 17-105**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 12/13/2017	NEED RESPONSE BY:
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Butte County	
3. PHONE NO.: EMAIL:		7. SUBJECT: Foster Parent and Student Eligibility	
4. REGULATION CITE(S): 63-406.213 and 63-406.214, 63-102p.1		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). 63-406.213, 63-406.214 student eligibility 63-102p.1 parental control	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Is a foster parent considered having parental control of a foster child? the question came up if a foster parent is also a student, would they meet a student exemption and be eligible for Calfresh if the foster children are under 6 or under 12 without adequate child care available?

10. REQUESTOR'S PROPOSED ANSWER:

our proposed answer is yes, the foster parent is exerting parental care and control for a dependent and would be eligible. In order to be eligible to participate in the Food Stamp Program, any student (as defined in Section 63-406.1) shall meet at least one of the following criteria on the date of the interview:
 .213 Be exerting parental control over a dependent household member under the age of six.
 (See Section 63-102p.(1) for definition of parental control.)
 .214 Be exerting parental control over a dependent household member who has reached age six but is under age 12 and the CWD has determined on a case-by-case basis that adequate child care services are not available (See Section 63-406.23) to enable the individual to attend class and work 20 hours per week or participate in a state or federally financed work study program during the regular school year.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

-In response to question #1, is a foster parent considered having parental control of a foster child?: Per 7 CFR 273.1(b)(4), "individuals placed in the home of relatives or other individuals or families by a Federal, State, or local governmental foster care program must be considered to be boarders." Therefore, a foster parent is not considered having parental control of a foster child as outlined under 7 CFR 273.1(b)(1)(iii).
 -In response to question #2, if a foster parent is also a student, would they meet a student exemption and be eligible for CalFresh if the foster children are under 6 or under 12 without adequate child care available?: In order to be eligible to participate in CalFresh, a student must be working a minimum of 20 hrs/wk or satisfy one of the exemption criteria on the day of the interview. Since a foster parent doesn't have parental control, they cannot use the exemption and therefore must meet an exemption that is based on their student status. ACL 17-05 and ACIN I-89-15 provides additional information on the list of criteria that allows a student to be exempt from the student work requirement.

FOR CDSS USE

DATE RECEIVED:
12/15/2017

DATE RESPONDED TO COUNTY/ALJ:
1/8/2018 SM